REMARKS

Claims 3-9 are pending in this application. Claim 9 has been newly added. Support for this claim can be found, *e.g.*, in original claims 1, 2, and 3. Editorial revisions have been made to the specification. No new matter has been added. Applicants respectfully request reconsideration and allowance of claims 3-9.

Claim Rejections

Claims 3-8 have been rejected under 35 U.S.C. 101 as being directed towards a mathematical algorithm. Applicants respectfully traverse this rejection.

Claim 3 is not directed towards a mathematical algorithm. Claim 3 is directed towards a method for controlling a transmission control protocol window size in an asynchronous transfer mode network. This subject matter was originally recited in claim 1, which has since been canceled without prejudice or disclaimer. Claim 1, as originally filed, did not recite a mathematical algorithm. Claim 3, as originally filed, depended from and, therefore, restricted the scope of claim 1. When claim 1 was canceled, claim 3 was merely rewritten in independent form. Applicants respectfully submit that claim 3, as previously amended, still recites a method for controlling a transmission control protocol window size and merely includes an algorithm as one of the steps in the method.

Alternatively, under current U.S. law, a mathematical algorithm is patentable when the algorithm produces a tangible, useful result. *See e.g., AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352 (Fed. Cir. 1999). Claim 3 recites, in part, a method for controlling a transmission control protocol window size in an asynchronous transfer mode network. Controlling this window size reduces the ratio of retransmission by preventing the dropping or tagging of transmitted cells by switch algorithms. Applicants respectfully submit that the reduction in the ratio of retransmissions is a useful and tangible result. In particular, reducing the ratio of retransmissions prevents packet loss and unnecessary packet retransmission, which improves the operating efficiency and reliability of the asynchronous transfer mode network.

For at least these reasons, claim 3 meets the standards of patentability recited in 35 U.S.C. §101. Applicants respectfully request reconsideration of claim 3. Applicants do not

otherwise concede the correctness of this rejection and reserve the right to make additional arguments if necessary.

Claim 4 recites, in part, a method for controlling a transmission control protocol window size in asynchronous mode network. Therefore, claim 4 is allowable for at least the same reasons as discussed above with respect to claim 3. Applicants respectfully request reconsideration and allowance of claim 4. Claims 5-8 depend from claim 4 and are allowable for at least the same reasons. Applicants do not otherwise concede the correctness of the rejection and reserve the right to make additional arguments if necessary.
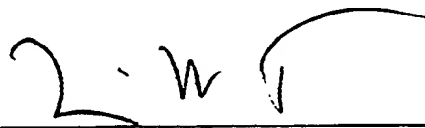
New Claim

New claim 9 recites, in part, a method for controlling a transmission control protocol window size in an asynchronous mode network. Therefore, for at least the same reasons as discussed above with respect to claims 3 and 4, claim 9 meets the standards of patentability recited in 35 U.S.C. § 101. Applicants respectfully request examination and allowance of claim 9.

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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